



Town Board Regular Meeting

Tuesday, December 4, 2018

This regular meeting was held at the Rondout Municipal Center and began at 7:01pm

Present: Supervisor Rich Parete and Town Board members Joe Borzumato, Tim Sweeney, Don LaFera and Eric Stewart

Absent:

Also, Present: Heather Moody; Town Clerk/Tax Collector, Tracy Kellogg; Town Attorney, Alison Stewart; Blue Stone Press, and Rod Bicknell; Shawmagunk Journal

Supervisor Parete called the meeting to order at 7:02pm and Councilman LaFera lead the Pledge of Allegiance.

Supervisor Parete asked for a moment of silence in memory of George W. Bush.

PUBLIC COMMENTS:

Susan Sprachman – Resident who has received and read the proposed report on event spaces. No one has stood up and supported the special events, so why are we spending so much time on this? If no one wants this why has it become expanded? Let's go back to the drawing board.

Stuart Lee – Resident who supports what Susan Sprachman commented on. If there were only going to be 2 to 3 events a year, that would be acceptable.

Barry Spielberg – Resident who agrees with both Susan Sprachman and Stuart Lee. What does 'Celebratory Events' mean? What is the scope and the definition? Very concerned. What is the definition of 'agricultural district'? As we move forward specifics do matter.

Laura Wilensky – Resident who feels the town needs to define noise regulations. Disturbed that the town is pushing this.

Bruce Golden – Resident who moved here fifty years ago. Residential area should remain residential.

Bobbi Esmark – Resident who feels we should have an information session with Will Husta. Where are the changes coming from and why? Two weeks ago, we spoke about setting a public hearing for 12/18. If we all want to be transparent and share, why don't we postpone the hearing until January or February? What is the rush?

Joseph Giardullo – Resident who questioned why the website was lacking updated PZC meeting minutes. Where are they? What is a celebratory event?

Celia Seupel – Resident who likes events. Not all events are weddings. Events help people who have land and it helps pay for taxes. If having a wedding with a band, not in a tent, it should be in a sound proof building. Main objection is the noise. There should be a noise ordinance. Events bring business to the town, helps economy.

Deborah Gordon Brown – Resident who said that the Warwick township has been asked to decrease the

amount of events they have. We need transparency. There should be no public hearing on 12/18.

Danylo Mykula – Resident who feels that if this law does pass, they should have to register.

Stephanie Renza – Resident who would like to see an economic impact study. Where is it? Real Estate prices will go down with the passing of an event space law. What will policing cost?

Rebecca Callid – Resident who questioned what is a residential district? What is an agricultural district? *Supervisor Parete pointed out that the County makes those definitions.*

Janet Krieger – New York state offers farms to have events related to their what they are producing from their farms.

Jacob Sherman – Resident who stated agricultural district should be used to promote farming. New Paltz has a large agriculture area and they do not allow events. If this law passes, we would be allowing more then the state allows.

Tom Herman – Resident who questioned shouldn't we have a noise ordinance if we allow this? *Supervisor Parete commented these are very hard to maintain and enforce. Councilman Sweeney stated there are a lot of things that need to be looked at. Supervisor Parete pointed out that events have been taking place for 50 years, there have been no restrictions and now we are trying to restrict them. Councilman Sweeney said that all events will be subject to Special Use Permits and will have to follow all regulations.*

Having a noise ordinance, even if flawed, is better than not having a noise ordinance.

Chris (last name not given) – Resident who asked for the names of places where these events took place?

Supervisor Parete responded with Mohonk Mountain House and Preserve, New Beginnings, Shadowlawn and Mary Macnamara's.

Eddie Crosswell – Resident who has lived here his whole life. Has the town given any consideration to properties that border the agricultural district and business districts? Will there be provisions if they are allowed to do these events? Real farms and farmers don't have to host events, they make their living doing what they do best, farming.

Eric Krieger – Resident who questioned the definition of celebratory events, which was also asked at the 11/20/18 meeting. *Supervisor Parete and Councilman Sweeney both stated that the term 'celebratory events' had been removed from the document.*

Mickey Schaffner – If the town has an ordinance, can the state override us? *Councilman Sweeney says yes, in agricultural districts. But the town can put more restrictive regulations on these rules.*

RESOLUTION #90-2018; SHARED SERVICES WITH THE TOWN OF ROSENDALE FOR SAFETY OFFICERS

The following Resolution was offered by Councilman Stewart seconded by Councilman LaFera:

WHEREAS, the Town of Marbletown has an opportunity to share services with the Town of Rosendale for the positions of Safety Officers; and

WHEREAS, the Town of Rosendale will provide Safety Officers to be paid by the Town of Rosendale; and

WHEREAS, the Safety Officers will be paid the following salary:

Dorene Whitaker - \$ 5,202 per year

Michael Williams - \$ 1,768 per year, and

WHEREAS, the Town of Marbletown will cover one half of the salaries, taxes, bookkeeping and payroll related costs and reimburse the Town of Rosendale for one half of office materials and supplies, and

WHEREAS, the Town of Marbletown will budget up to \$300 for safety officer to be called to emergencies and attend quarterly meetings, and

WHEREAS, Bookkeeping & Payroll is estimated to cost around Five Hundred dollars (\$510) per year, and

NOW, THEREFORE, BE IT RESOLVED, the Town Marbletown shall reimburse the Town of Rosendale for Shared Safety Officer Services as stated above from January 1, 2019 - December 31, 2019; and

BE IT FURTHER RESOLVED that this resolution shall become effective upon its approval by both the Town Board of Rosendale and the Town Board of Marbletown.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0; Resolution #90-2018 was thereupon adopted.

RESOLUTION # 91-2018; HIGH FALLS WATER DISTRICT EMPLOYEES SALARIES

The following Resolution was offered by Councilman Sweeney seconded by Councilman Borzumato:

WHEREAS, the Towns of Rosendale and Marbletown jointly operate the High Falls Water District; and

WHEREAS, it is necessary to set forth and agree to matters relating to the employment of those individuals who will perform work on behalf of the High Falls Water District, and to establish the funding for the work they perform, it is hereby

RESOLVED as follows:

1. The High Falls Water District shall reimburse the Town of Rosendale a sum equal to Thirty-three and a third (33.3%) of all payroll expenses and benefits for the Town of Rosendale Employees who maintain and operate the Rosendale Water District, the Rosendale Sewer District and the High Falls Water District in the positions of Water & Sewer District Superintendent, Water and Sewer Operator and Water Sewer Trainees, who shall be an employees of the Town of Rosendale Water and Sewer Districts.
2. The Town of Marbletown shall directly pay the High Falls Water District Clerk for five hours per week at an hourly rate of Sixteen and 38/100 Dollars (\$16.38) per hour plus any employee benefits for those hours and shall be reimbursed for same by the High Falls Water District.
3. The High Falls Water District shall reimburse the Town of Rosendale the sum of Three Thousand Five Hundred Seventy Dollars and 00/100 Dollars (\$3,570) for payroll and bookkeeping and shall reimburse the Town of Marbletown Six Thousand Four Hundred Ninety-Four and 00/100 Dollars (\$6,494.00) for bookkeeping expenses.

This Resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board of Marbletown and be effective January 1, 2019 to December 31, 2019.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0; Resolution #91-2018 was thereupon adopted.

RESOLUTION #92-2018 DOG WARDEN AND DEPUTY DOG WARDEN CONTRACT 2019

The following Resolution was offered by Councilman Stewart seconded by Councilman Borzumato:

WHEREAS, the Town of Marbletown needs the position of Dog Warden and Deputy Dog warden; and

WHEREAS, the Dog Warden will be paid a salary of Two Hundred Four and 30/100 dollars (\$ 204.30) per week; and

WHEREAS, the Deputy Dog Warden will be paid Fifteen Dollars (\$15) per hour to cover weekends and vacations; and

WHEREAS, the Town of Marbletown will reimburse the Dog Warden and Deputy Dog Warden \$.55 per mile for use; and

WHEREAS, the Town of Marbletown is responsible for a kennel and dog care; and

NOW, THEREFORE, BE IT RESOLVED the Town of Marbletown appoints Jill Shufeldt Dog Warden and Kevin Hindmann Deputy Dog Warden effective January 1, 2019 to December 31, 2019.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0; Resolution #92-2018 was thereupon adopted.

RESOLUTION #93-2018; HEALTH INSURANCE BENEFITS FOR RONDOUT MUNICIPAL CENTER BUILDING MANAGER

The following Resolution was offered by Councilman Borzumato seconded by Supervisor Parete:

WHEREAS, the Town of Marbletown and the Town of Rosendale are parties to an Inter-Municipal Agreement dated December 9, 2015, which agreement sets forth the cooperative arrangement under which the Towns shall use, maintain and operate the Rondout Municipal Center; and

WHEREAS, Item 6 of said agreement discusses the position of Building Manager and the Towns respective contributions toward the salary and benefits for said position; and

WHEREAS, Steven Christiana is currently serving in the position of Building Manager and is an employee of the Town of Rosendale in accordance with applicable provisions of the Inter-Municipal Agreement; and

WHEREAS, the Town of Marbletown and the Town of Rosendale have determined to offer health insurance to the incumbent Building Manager, Steven Christiana, in accordance with certain terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, that so long as the incumbent Building Manager, Steven Christiana, continues to work in that capacity for at least twenty-nine (29) hours per week, as well as for the Town of Marbletown as Fire Marshal for thirteen and one half (13.5) hours per week, the Town of Rosendale shall offer Mr. Christiana single health insurance coverage under the Town of Rosendale's plan, with Mr. Christiana contributing twenty-five percent (25%) toward the applicable health insurance premium effective January 1, 2019 through December 31, 2019; and

BE IT FURTHER RESOLVED, that the cost allocation of Mr. Christiana's health insurance shall be seventy percent (70%) for the Town of Marbletown and thirty percent (30%) for the Town of Rosendale, payable as mutually agreed by the two Towns; and

BE IT FURTHER RESOLVED, that should Steven Christiana fail to continue to work at least twenty-nine (29) hours per week as Building Manager and/or fail to continue to work at least thirteen and one-half (13.5) hours per week for the Town of Marbletown as Fire Marshal, that the Town of Rosendale may discontinue offering individual health insurance to Steven Christiana and offer him coverage pursuant to COBRA in the alternative; and

BE IT FURTHER RESOLVED, that this Resolution shall become effective if approved by the Town Boards of the Town of Rosendale and the Town of Marbletown and shall remain in effect unless and until modified by future action of the Town Boards of the Town of Rosendale and the Town of Marbletown.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which

resulted as follows:

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #93-2018 was thereupon adopted.

RESOLUTION #94-2018; RESOLUTION CANCELING DECEMBER 18, 2018 TOWN BOARD MEETING AND PUBLIC HEARINGS ON LOCAL LAWS #2 AND #3.

The following Resolution was offered by Councilman Borzumato seconded by Councilman Sweeney:

WHEREAS, Town of Marbletown Board meetings are held on the first and third Tuesday of each month, and
WHEREAS, the Town Board of the Town of Marbletown would like to have two public hearings, and
NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown cancels the Town Board meeting and Public Hearings for Local Law Number 2, a local law for 2018 revisions to the Town of Marbletown zoning law and a Local Law Number 3, a law to amend the Dog Control Law originally scheduled on Tuesday December 18, 2018,

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #94-2018 was thereupon adopted.

RESOLUTION #95-2018; RESOLUTION SETTING TOWN BOARD MEETING THURSDAY DECEMBER 20, 2018

The following Resolution was offered by Councilman Sweeney seconded by Councilman Borzumato:

WHEREAS, Town of Marbletown Board meetings are held on the first and third Tuesday of each month, and
WHEREAS, the Town Board of the Town of Marbletown would like to have two public hearings on Thursday December 20, 2019, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown schedules a Town Board meeting on Thursday December 20, 2018.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #95-2018 was thereupon adopted.

RESOLUTION #96-2018; SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER 2 OF 2018, CLASSIFYING THE ACTION PURSUANT TO SEQRA REFERRING TO UCPB AND REQUESTING PROPER PUBLICATION

The following Resolution was offered by Councilman Borzumato seconded by Councilman Stewart:

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt **A Local Law 2018 #2 Accessory Apartments** in order to achieve the purposes and objectives set forth in the Local law.

NOW THEREFORE, BE IT RESOLVED as follows:

1. Proposed Local Law #2 of 2018 is hereby classified as a Type 1 Action under the State Environmental Quality Review Act

2. A public hearing will be held by the Town Board on December 20, 2018 at 7:00 PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill, NY, to hear all interested parties on the proposed Local Law #2 of 2018 entitled "**A Local Law 2018 #2 Accessory Apartments** "

3. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Aye</u>
Councilman Stewart	Voting <u>No</u>
Councilman LaFera	Voting <u>No</u>
Supervisor Parete	Voting <u>Aye</u>

3-2; Resolution **#96-2018** was thereupon adopted.

Supervisor Parete pointed out that the town board can hold the public hearing open and it can stay open until the 1st or 2nd meeting in January, then they can hold the vote. Councilman Borzumato and Councilman Sweeney agreed that holding the meeting open would not be a problem.

RESOLUTION #97-2018: SET PUBLIC HEARING FOR PROPOSED LOCAL LAW NUMBER 3 OF 2018, TO AMEND THE DOG CONTROL LAW

The following Resolution was offered by Councilman Sweeney seconded by Councilman Borzumato:

WHEREAS, the Town Board of the Town of Marbletown voted October 30, 2018 to enter into a contract with the Ulster County SPCA for the care and boarding of canines effective November 1, 2018; and,

WHEREAS, the Town Board desires to have seized dogs held for a redemption period of 7 days, and

WHEREAS, an amendment to Chapter 103-6 of the Town Of Marbletown Code is necessary,

(1) Not amended

(2) Every dog so seized shall be held for a redemption period of ~~10-7~~ 7 days from the date of seizure, or in the event that the owner of such dog can be identified and notified of such seizure within such period as required by §117(6) of the Agriculture and Markets Law, ~~10-7~~ 7 days from the date of such notification, whichever occurs last. This provision is meant to supersede and supplant the ~~shorter~~ redemption periods set forth in §117(6) of the Agriculture and Markets Law

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: a public hearing will be held by the Marbletown Town Board on December 20, 2018 at 7:00 PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill NY 12412 to hear all interested parties on Proposed Local Law #3 of 2018 entitled "A local law for 2018 revisions to the Town of Marbletown Dog Control Law, and

FURTHER RESOLVED, The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the web site of such Town.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Borzumato Voting Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0; Resolution **#97-2018** was thereupon adopted.

OTHER TOWN BUSINESS:

- Town Clerk Moody announced that the town offices and transfer station will be closed on Monday, Dec. 24th and Tuesday, Dec. 25th for Christmas. The town offices and transfer station will also be closed on Tuesday, Jan 1st, 2019.
- Councilman LaFera brought up changing the terms of the Highway Superintendent and Town Clerk/Tax Collector from 2 years to 4 years. This would be a process of a resolution being passed by the Town Board and then it would go on the ballot in November 2019. Supervisor Parete stated this was a good discussion to start for 2019.

Motion to adjourn: There being no further discussion Councilman LaFera made the motion to adjourn the meeting, seconded by Councilman Sweeney; 5-0 Aye, motion carried. The meeting adjourned at 8:20pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector